

FILED

OCT 27 2011

REVISED DATE: 09/2001

DENNIS P. MARONE, CLERK
US DISTRICT COURT, EDNC
BY _____
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FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:11-CT-3214-BO
(leave this space blank)

CLYDE HALL 09667-052

(enter full names of each plaintiff(s))

TRACY JOHNS, WARDEN

Inmate Number 09667-052

DEBORAH A. GONZALES, ASST. WARDEN

THOMAS KANE, DIRECTOR, U.S. BOP

ANDRE TAYLOR, UNIT COUNSELOR

(enter full names of each defendant(s))

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES NO

If your answer is YES, describe the former lawsuit in the space provided below:

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES NO

If your answer is YES:

1. What steps did you take? _____
2. What was the result? (Attach copies of grievances or other supporting documentation.) _____

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

There are no grievance procedures at the correctional facility at which I am being confined.

This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

I have exhausted my administrative remedies relating to this complaint and have attached copies of grievances demonstrating completions.

III. PARTIES:

In Item "A" below, place your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any. NOTE: ALL PLAINTIFFS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

A. Name of Plaintiff: CLYDE HALL 09667-052
Name of Present Confinement FCI BUTNER
Address of Present Confinement P.O. Box 1000 BUTNER, NC 27509

In Item "B" below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) through (F) for additional defendants. NOTE: ALL DEFENDANTS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

B. Defendant TRACY JOHNS
Position WARDEN
Employed at FCI BUTNER
Address P.O. Box 1000 BUTNER, NC 27509
Capacity in which being sued: Individual () Official (X) Both ()

C. Defendant DEBORAH A. GONZALES
Position ASSISTANT WARDEN
Employed at FCI BUTNER
Address P.O. Box 1000 BUTNER, NC 27509
Capacity in which being sued: Individual () Official (X) Both ()

D. Defendant THOMAS KANE
Position DIRECTOR, FEDERAL BUREAU OF PRISONS
Employed at FEDERAL BUREAU OF PRISONS
Address WASHINGTON, D.C.
Capacity in which being sued: Individual () Official Both ()

E. Defendant ANDRE TAYLOR
Position UNIT COUNSELOR
Employed at FCI BUTNER
Address P.O.Box 1000 BUTNER, NC 27509
Capacity in which being sued: Individual () Official Both ()

F. Defendant _____
Position _____
Employed at _____
Address _____
Capacity in which being sued: Individual () Official () Both ()

IV. STATEMENT OF CLAIM

State here as briefly as possible the FACTS of your case. Describe how each defendant is involved. Include also the names of the other persons involved, dates and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

PLEASE SEE ATTACHED

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. **MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.**

1) MR. HALL'S CONDITIONS OF CONFINEMENT VIOLATES DUE PROCESS.

A) MR. HALL IS NOT BEING HELD UNDER ANY FORM OF CRIMINAL LAW, BUT UNDER CIVIL LAW. CURRENTLY HE IS CIVILLY DETAINED, HE MUST BE AFFORDED MORE CONSIDERATE TREATMENT AND CONDITIONS OF CONFINEMENT ARE DESIGNED FOR PUNISHMENT. HOWEVER THAT CLEARLY IS NOT HAPPENING HERE.

B) MR. HALL HAS COMPLETED HIS CRIMINAL SENTENCE ON JUNE 24, 2009. UPON COMPLETION OF HIS CRIMINAL SENTENCE, HE WAS DETAINED BY THE BUREAU OF PRISONS (BOP) UNDER 18 U.S.C. 4248. CIVIL COMMITMENT OF A SEXUALLY DANGEROUS PERSON, FOR OVER TWO (2) YEARS NOW, HE HAS BEEN DETAINED AT FCI BUTNER IN THE "MARYLAND UNIT". THIS HOUSING UNIT HOLDS ALL PEOPLE DETAINED UNDER 4248.

C) THE CONDITIONS THAT MR. HALL IS SUBJECTED TO ARE THE EXACT SAME CONDITIONS OF CONFINEMENT THAT FEDERAL PRISONERS SERVING A CRIMINAL SENTENCE ARE SUBJECTED TO. IN MOST CASES, THE CONDITIONS HE IS SUBJECTED TO ARE MORE SEVERE AND RESTRICTIVE THAN THE GENERAL POPULATION PRISONERS HERE AT BUTNER ARE FORCED TO ENDURE. THIS FACT HAS BEEN BROUGHT TO THE ATTENTION OF THE WARDEN, TRACY JOHNS, AS WELL AS ASSISTANT WARDEN DEBORAH GONZALES ON MANY OCCASIONS. DURING ONE TOWN HALL MEETING TRACY JOHNS, TOLD ALL INDIVIDUALS THAT ARE HOUSED IN "MARYLAND UNIT" AND THUS DETAINED UNDER 4248 THAT AS FAR AS HE IS CONCERNED "THIS IS A PRISON AND WILL BE RUN LIKE ONE". HE FURTHER WENT ON TO SAY THAT INDIVIDUALS DETAINED UNDER 4248 ARE "INMATES" AS FAR AS HE IS CONCERNED AND THAT THERE IS "NO DIFFERENCE" BETWEEN THOSE HOUSED AT BUTNER UNDER 4248 AND THOSE INDIVIDUALS HERE SERVING TIME UNDER A CRIMINAL SENTENCE. DEBORAH GONZALES IS NOT MUCH BETTER. MS. GONZALES HAS BECOME THE MAIN POINT OF CONTACT FOR THE PRISON ADMINISTRATION WHEN IT COMES TO ADDRESSING "MARYLAND UNIT". ON SEVERAL OCCASIONS, MS. GONZALES HAS STATED THAT INDIVIDUALS DETAINED UNDER 4248 ARE "NO DIFFERENT" THAN GENERAL PRISON POPULATION. SHE HAS FURTHER STATED SEVERAL TIMES THAT UNLESS THE GENERAL POPULATION PRISONERS HAS A RIGHT TO SOMETHING, THEN THOSE DETAINED UNDER 4248 SHOULD NOT EXPECT IT. SHE HAS STATED THAT "IF I WON'T GIVE IT TO THE GENERAL POPULATION, I CERTAINLY WON'T GIVE IT TO MARYLAND", IN RESPONSE TO A RECENT QUESTION ABOUT CONDITIONS OF CONFINEMENT AT A TOWN HALL MEETING IN "MARYLAND UNIT". SHE HAS ALSO MADE A STATEMENT THAT "THE INDIVIDUALS IN "MARYLAND UNIT" HAS TOO MANY LIBERTIES". ADDITIONALLY, MS. GONZALES HAS HAD SEVERAL DETAINES IN "MARYLAND UNIT" PLACED IN SOLITARY

CONFINEMENT WHEN THEY ATTEMPTED TO EXPLAIN TO HER THAT THOSE HOUSED UNDER 4248 ARE INDEED DIFFERENT THAN THE GENERAL PRISON POPULATION.

(See DECLARATION OF JEFFREY SHIELDS)

2) Mr. Hall submits the following examples to support his case:

A) Mr. Hall remains subject to the BOP policy and disciplinary system. The rules and policy statements along with the BOP's disciplinary system are designed to be sever in punitive punishment in effect. They are designed to be applied to federal prisoners, not civilly detained individuals like Mr. Hall. There is absolutely more difference between the rules, policies and disciplinary system applied to federal prisoners and applied to Mr. Hall (i.e. minor infractions in "Maryland Unit", detainees suffer 30 day increments of losing commissary, telephone privileges, etc).

Of equal importance is that all disciplinary issues are handled "not" by mental health staff, but by federal correctional officers. Mr. Hall has been placed in solitary confinement a couple of times and has lost up to 120 days of commissary and telephone privileges by correctional officers since becoming a civil detainee in "Maryland Unit".

When a federal prisoner is disciplined, it is done by federal correctional officers. Federal correctional officers "are not" given any training in how to deal with mental health patients and civil detainees. This is not very surprising considering that Tracy Johns and Deborah Gonzales have made clear that, as far as they're concerned, there is "No Difference" between federal prisoners and those individuals detained under civil law. Therefore, Mr. Hall is/has been disciplined as if he were a federal prisoner, by prison officials, who have "No" mental health training whatsoever.

B) Mr. Hall is forced to wear the same uniforms as federal prisoners in general population.

C) Federal prisoners are limited to what items they may buy in the prison commissary and what they watch on television. Mr. Hall is held to the exact same limitations. He may also shop at the prison commissary and may only buy whatever is available to the federal prisoners. Additionally, he is limited to the exact same television viewing as federal prisoners (no R rated movies, same viewing channels).

D) Mr. Hall remains in the custody, care and control of the Federal Bureau of Prisons, NOT the Department of Health and Human Services. He is supervised, disciplined and controlled NOT by mental health professionals, but by correctional officials of the BOP. Correctional officials control all aspects of Mr. Hall's life regardless of the fact that he is a detainee and NOT a federal prisoner. Furthermore, the correctional officials who oversee and control Mr. Hall have "NO TRAINING" in how to deal with mental health patients in a civil detention setting.

The BOP is a prison setting, correctional officers are trained to deal with prisoners, NOT mental health patients detained under civil law. Therefore, the fact that Mr. Hall is controlled and under the authority of correctional officers makes his confinement punitive and thus punishment.

E) Mr. Hall is double bunked.

F) Mr. Hall is NOT given equal access to prison laundry. General population prisoners have access to the laundry 5 days a week. However, Mr. Hall has access to the laundry only once a week on Wednesday mornings from 7⁰⁰AM to 8³⁰AM. This is a serious problem since most of the time there is one wash machine available to the over 80 men in "MARYLAND UNIT".

G) Mr. Hall is in constant physical presence of prisoners serving criminal sentences on a daily basis. 4248 detainees eat all meals in the prison chowhall. His meals are served to him by federal prisoners serving ~~fed~~ ^{CRIMINAL} sentences. Additionally, there are approximately 5 to 10 federal prisoners sitting or working in the mess hall while we are eating. These federal prisoners have often taunt and harass Mr. Hall and others that are detained under 4248, calling them "BABY RAPERS" and "CHILD MOLESTERS". They have also put extra "ITEMS" in our food. This threatening and harassing behavior by federal prisoners serving criminal sentences against civil detainees could very likely lead to a physical confrontation at some point. However, BOP food service staff often laugh when this harassment occurs.

Additionally, the Maryland Unit in addition to housing all those detained under 4248, also holds a number of offices for BOP staff. Including case managers, counsels, secretaries, and the head of psychology services at FCI BUTNER. These staff members are

RESPONSIBLE FOR A NUMBER OF AREAS WITH RESPECT TO GENERAL POPULATION PRISONERS AT FCI BUTNER. FOR THIS REASON, THEY ARE OFTEN SOUGHT OUT BY THE FEDERAL PRISONERS. BECAUSE THE STAFF OFFICES ARE IN "MARYLAND UNIT", THIS IS WHERE THE PRISONERS MUST COME TO SEE THE STAFF AND THEY DO, ON A DAILY BASIS. FEDERAL PRISONERS COME INTO MARYLAND UNIT TO SEE STAFF. THEREFORE, THEY ARE IN DIRECT CONTACT WITH MR. HALL AND 80 OTHER DETAINES CIVILLY DETAINED UNDER 4248. WHY PRISONERS ARE PERMITTED TO BE IN THE HOUSING UNIT FOR CIVILLY DETAINED INDIVIDUALS IS A MYSTERY TO MR. HALL. WORTH NOTING THAT THERE IS ANOTHER ENTRANCE TO STAFF OFFICES BUT ONLY USED BY STAFF THEMSELVES.

ADDITIONALLY, WHEN MR. HALL HAS TO GO TO THE MEDICAL BUILDING FOR MEDICAL TREATMENT, HE IS IN PHYSICAL CONTACT WITH FEDERAL PRISONERS SERVING CRIMINAL SENTENCES IN THE WAITING ROOM. THERE IS "NO SEPARATION"

ADDITIONALLY, WHEN INDIVIDUALS DETAINED UNDER 4248 NEED A HAIRCUT THE PERSON WHO COMES TO THE UNIT IS A FEDERAL PRISONER SERVING A CRIMINAL SENTENCE. THEREFORE, A FEDERAL PRISONER CUTS THE HAIR OF A CIVIL DETAINEE INCLUDING MR. HALL.

ADDITIONALLY, FEDERAL PRISONERS ARE IN THE UNIT ATLEAST 6 TIMES DAILY TO BRING THE FOOD CART BACK AND FORTH TO THE SPECIAL HOUSING UNIT (S.H.U OR THE HOLE) THAT IS ADJACENT TO MARYLAND UNIT, IN WHICH HAS AN ENTRANCE IN MARYLAND UNIT. ONCE AGAIN, THESE FEDERAL PRISONERS ARE IN DIRECT PHYSICAL CONTACT WITH MR. HALL AND ALL OTHER DETAINES UNDER 4248. IT IS ALSO WORTH NOTING THAT THERE IS ANOTHER ENTRANCE TO THE SHU IN A GENERAL POPULATION PRISONER UNIT. HOWEVER, THE BOP REFUSES TO USE THAT ENTRANCE, INSTEAD PLACING FEDERAL PRISONERS IN PHYSICAL CONTACT WITH CIVIL DETAINES DAILY.

H) FEDERAL PRISONERS IN MEDIUM SECURITY PRISONS MUST LEAVE THEIR OUTGOING MAIL (EXCEPT LEGAL MAIL) OPEN/UNSEALED SO THAT CORRECTIONAL OFFICERS CAN READ IT. MR. HALL REMAINS SUBJECT TO THIS REQUIREMENT REGARDLESS OF THE FACT THAT HE IS NO LONGER A FEDERAL PRISONER ON A CRIMINAL SENTENCE. IN AN INTERESTING NOTE, FEDERAL PRISONERS IN LOW SECURITY PRISONS AND CAMPS ARE NOT REQUIRED TO LEAVE THEIR OUTGOING MAIL OPEN/UNSEALED.

I) MR. HALL IS GIVEN LESS RECREATION TIME AND FREEDOM OF MOVEMENT THAN GENERAL POPULATION PRISONERS. GENERAL POPULATION PRISONERS HAVE ACCESS TO

THE RECREATION YARD FROM 6³⁰%AM TO 10³⁰%AM THEN AGAIN 12³⁰%PM TO 8³⁰%PM 6 DAYS A WEEK. MR. HALL IS ONLY PERMITTED IN THE RECREATION YARD LESS THAN 2 HOURS DAILY 10⁴⁵%AM TO 12⁰⁰%PM. MR. HALL ONLY HAS RECREATION YARD TIME IN THE EVENING ONE DAY A WEEK (TUESDAY). HOWEVER, THE EVENING YARD TIME ONLY EXTENDS TO THE OUTSIDE YARD AND NOT TO THE RECREATION CENTER WHICH HOUSES TELEVISIONS, POOL TABLES, BASKETBALL COURT, AERO-BIG EXERCISE EQUIPMENT, A BAND ROOM AND HOBBYCRAFT ROOMS. IN COLD WEATHER, THOSE WHO GO OUT TO THE RECREATION YARD ON TUESDAY EVENINGS MUST REMAIN OUT THERE FOR AT LEAST ONE HOUR WITHOUT BEING ABLE TO GO INSIDE TO WARM UP AT ALL, OR USE THE RESTROOM. STAFF HAS REFUSED TO UNLOCK THE OUTSIDE RESTROOM.

ALSO, GENERAL POPULATION PRISONERS ARE GIVEN THE OPPORTUNITY TO WALK AROUND OUTSIDE ONCE AN HOUR DURING THE "10 MINUTE MOVE". MR. HALL IS NOT ALLOWED OUTSIDE THE MARYLAND UNIT EXCEPT FOR THE RECREATION TIME STATED ABOVE AND TO GO TO THE CHOW HALL.

A "MAKESHIFT" RECREATION YARD HAS BEEN SET UP BEHIND "MARYLAND UNIT". THIS IS ONLY OPEN WHEN AN OFFICER IS AVAILABLE TO SUPERVISE. IT IS NEVER OPEN ON TUESDAYS. FURTHERMORE, THE ONLY THINGS IN THIS YARD ARE SOME BENCHES, HORSESHOE PIT, AND A VOLLEYBALL NET. IT HAS NONE OF THE RECREATIONAL OPPORTUNITIES THAT THE REGULAR PRISON RECREATION YARD.

J) MR. HALL IS NOT AFFORDED THE SAME EDUCATIONAL AND VOCATIONAL OPPORTUNITIES AS GENERAL POPULATION PRISONERS. PRISONERS SERVING CRIMINAL SENTENCES HAVE SEVERAL PROGRAMS AVAILABLE TO THEM, BLUEPRINT READING, INTRODUCTION TO TOWING, PARENTING, KEYBOARDING, ELECTRICAL EDUCATION, MINEKE CAR CARE PROGRAM, GED AND MORE. NONE OF THESE PROGRAMS AND OPPORTUNITIES ARE OFFERED TO MR. HALL OR THE OTHER INDIVIDUALS DETAINED UNDER 4248. ALSO, GENERAL POPULATION PRISONERS HAVE THE OPPORTUNITY TO PARTICIPATE IN NARCOTICS ANONYMOUS. MR. HALL DOES NOT.

3) THE GOVERNMENT CANNOT HAVE IT BOTH WAYS. IF CONFINEMENT OF A SEXUALLY DANGEROUS PERSON IS CIVIL FOR THE PURPOSES OF EVALUATION UNDER THE EX POST FACTO CLAUSE, THAT CONFINEMENT IS CIVIL IN NATURE FOR PURPOSES OF DEFINING THE RIGHTS TO WHICH THE DETAINEE IS ENTITLED WHILE CONFINED. CIVIL MEANS CIVIL, WITH ALL RIGHTS THAT ACCOMPANY IT.

Mr. Hall submits these examples to show the court taken as a whole, he is treated exactly like federal prisoners and is therefore being held under conditions which amount to criminal punishment. He is not being afforded "more considerate" treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish.

4) PLACEMENT IN THE COMMITMENT AND TREATMENT PROGRAM IS A VIOLATION OF DUE PROCESS:

A) Mr. Hall has not been civilly committed. He had been certified and has recently had his 4048 hearing (June 6, 7, 2011) He was deemed not sexually dangerous by the Honorable Judge Boyle. He has been forced to live in a sex offender mental health unit, and forcing him to be part of a behavioral modification program for civilly committed sexual predators, or any type of sex offender program is a clear violation of his due process rights. Mr. Hall was not given any type of hearing or due process before being forced to live in Maryland unit and forced to be part of the "CTP".

(SEE ATTACHED)

B) AFTER HIS SENTENCE EXPIRED, Mr. Hall was forced to relocate to the "MARYLAND UNIT". This is where all those under 4048 are held. According to the Warden Tracy Johns and Assistant Warden Deborah Gonzales, Maryland unit is a mental health treatment unit for sex offenders.

ADDITIONALLY, Tracy Johns and Deborah Gonzales have told Mr. Hall that because he lives in Maryland unit, he is assigned to the "COMMITMENT AND TREATMENT PROGRAM (CTP). The CTP is a behavioral modification program for sex offenders.

5) Mr. Hall's right to freedom from unlawful search and seizure has been violated:

Mr. Hall is subjected to random mass "shakedowns" or searches. These shakedowns are not conducted by correctional officers but by the psychologists of the BOP. The purpose of these shakedowns has nothing to do with security or safety but for "evidence". The psychologists are looking for "evidence" in these shakedowns that can be given to the U.S. Attorney's office to possibly be used

AGAINST THE DETAINEE IN THEIR 4248 CASE. THE "EVIDENCE" IS USUALLY THINGS LIKE COPIES OF MAXIM MAGAZINES, PICTURES OF ADULT WOMEN IN THEIR UNDERWEAR IN SEXUAL POSES AND ANYTHING REMOTELY RELATED TO CHILDREN, INCLUDING FAMILY PHOTOS. NONE OF THIS "EVIDENCE" IS ILLEGAL AND ALL OF IT COMES THROUGH THE PRISON MAILROOM AND THEREFORE, WAS ALLOWED IN BY THE BOP. ONCE THIS "EVIDENCE" IS GATHERED A PSYCHOLOGIST WRITES A REPORT DETAILING WHAT WAS FOUND AND IN WHAT CELL. THESE REPORTS USUALLY CLAIM THAT THE DETAINEE WAS FOUND IN POSSESSION OF PICTURES OF "TEENAGERS", IN SEXUALLY EXPLICIT POSES OR WAS IN POSSESSION OF "CHILD PORNOGRAPHY". ADDITIONALLY, THEY CLAIM THAT THE DETAINEE WAS IN POSSESSION OF "INAPPROPRIATE", "SEXUALLY EXPLICIT" MAGAZINES. THESE REPORTS DOCUMENTING WHAT WAS FOUND ARE OFTEN NOTHING BUT LIES AND FABRICATIONS. THIS CAN EASILY BE PROVEN. HOWEVER, ONCE THE REPORT CLAIMING THAT "CHILD PORNOGRAPHY" OR "SEXUALLY EXPLICIT" PICTURES OF "TEENAGERS" IS PUT INTO A DETAINEE'S PSYCH FILE, IT IS ALL BUT CERTAIN THAT THE DOCTORS EVALUATING THE DETAINEE FOR MENTAL ILLNESS WILL READ IT. THEREFORE, THE DAMAGE HAS BEEN DONE.

OF EQUAL IMPORTANCE, IS THAT THE PEOPLE THAT CONDUCT THESE SHAKEDOWNS ARE OFTEN THE SAME PEOPLE WHO WROTE THE PSYCH REPORTS THAT LED TO MANY OF THE DETAINERS BEING CERTIFIED "SEXUALLY DANGEROUS". THESE DOCTORS WHO CONDUCT THESE SHAKEDOWNS WRITE THE PRE-CERTIFICATION REPORTS. THEREFORE, THESE DOCTORS HAVE A VESTED INTEREST IN FINDING "EVIDENCE" TO SUPPORT THEIR DIAGNOSIS IN THE PRE-CERTIFICATION REPORT. PUT ANOTHER WAY, THE FOX IS GUARDING THE HEN HOUSE.

THESE SHAKEDOWNS ARE HARASSMENT AND FISHING EXPEDITIONS. THEY ARE IN NO WAY RELATED ^{TO} THE SAFETY AND SECURITY OF THE PRISON AND ARE THEREFORE A 4TH AMENDMENT VIOLATION.

BECAUSE MR. HALL REMAINS IN A PRISON ENVIRONMENT, THERE ARE SECURITY CONCERNS AND A NEED FOR SEARCHES BY STAFF. MR. HALL REALIZES THIS AND DOES NOT CHALLENGE LEGITIMATE SEARCHES DONE FOR SECURITY PURPOSES. HOWEVER, THE BOP IS FAR BEYOND SUCH.

THE BOP REFUSES TO ALLOW MR. HALL TO SEAL HIS OUTGOING MAIL. TRACY JOHNS AND DEBORAH GONZALES HAVE INFORMED MR. HALL THAT NO INMATE

IN A MEDIUM SECURITY INSTITUTION GETS TO SEAL THEIR OUTGOING MAIL. HOWEVER, THIS IS YET ANOTHER EXAMPLE OF THE DISCONNECTION BETWEEN JOHNS AND GONZALES AND REALITY. Mr. Hall IS NOT AN INMATE IN A MEDIUM SECURITY PRISON, HE IS A CIVIL DETAINEE AND CAN EVEN BE CONSIDERED A "PATIENT" AT THIS POINT SINCE THE GOVERNMENT CLAIMS THAT HE IS "SICK" AND IS ONLY BEING HELD TO GIVE HIM "TREATMENT". THEREFORE, HE SHOULD HAVE A RIGHT TO SEAL HIS OUTGOING MAIL. THE READING OF OUTGOING MAIL OF CIVIL DETAINEES BY THE BOP IS AN UNLAWFUL SEARCH. MR. HALL MAKES NO CHALLENGE TO THE OPENING AND INSPECTION OF INCOMING MAIL. THE ABILITY TO SEAL OUTGOING MAIL IS ALSO CONSISTANT WITH MR. HALL'S RIGHT TO LIVE IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE. AS HAS ALREADY BEEN STATED, FEDERAL PRISONERS AT LOW SECURITY PRISONS AND CAMPS ARE ALLOWED TO SEAL OUTGOING MAIL.

ALSO, THE BOP STAFF HAVE STARTED TO CONDUCT STRIP SEARCHES OF THOSE DETAINED UNDER 4248 AS A PUNISHMENT. THESE SEARCHES ARE CONDUCTED OFTEN WHEN A 4248 DETAINEE COMPLAINS ABOUT THEIR LIVING CONDITIONS OR SPEAKS OUT AGAINST STAFF. Mr. Hall HAS BEEN SUBJECT TO THESE SEARCHES AFTER ARGUING WITH CORRECTIONAL STAFF AND PLACED IN ADMINISTRATION SEGREGATION THAT HE IS NOT AN "INMATE". OTHERS DETAINED UNDER 4248 HAVE BEEN SUBJECT TO THIS AS WELL (SEE DECLARATION OF ANDREW SHERADIN). THE REFUSAL TO SUBMIT TO A SEARCH IS PLACEMENT IN SOLITARY CONFINEMENT.

6) Mr. Hall HAS A RIGHT TO EDUCATIONAL AND VOCATIONAL TRAINING UNDER FEDERAL LAW!

AS HAS ALREADY BEEN STATED, Mr. Hall IS NOT PROVIDED WITH ANYWHERE NEAR THE EDUCATIONAL AND VOCATIONAL OPPORTUNITIES THAT FEDERAL PRISONERS ARE. AS A CIVIL DETAINEE, HE HAS A RIGHT TO THESE OPPORTUNITIES, IF NOT A RIGHT TO GREATER EDUCATIONAL AND VOCATIONAL OPPORTUNITIES THAN FEDERAL PRISONERS. AS IT STANDS NOW, THIS MAN IS PROVIDED WITH NO SUCH OPPORTUNITIES.

7) Mr. Hall HAS A RIGHT TO HAVE A JOB UNDER FEDERAL LAW.

8) Mr. Hall HAS A RIGHT TO COMPENSATION FOR LABOR IN ACCORDANCE WITH MINIMUM WAGE LAWS OF THE FEDERAL FAIR LABOR STANDARDS ACT:

BECAUSE HE IS NOT A FEDERAL PRISONER, HE HAS A RIGHT TO BE COMPENSATED FOR WORK IN ACCORDANCE WITH THE FEDERAL FAIR LABOR STANDARDS ACT. MANY OF THOSE DETAINED UNDER 4248, INCLUDING MR. HALL HAVE JOBS HERE AT BUTNER. HOWEVER, MR. HALL LIKE ALL OTHER CIVIL DETAINES IS PAID THE EXACT SAME AMOUNT AS A FEDERAL PRISONER SERVING A CRIMINAL SENTENCE. HE MAKES \$.12 AN HOUR AS A "GRADE 4". MR. HALL AND ALL OTHERS DETAINED UNDER 4248 ARE SUBJECTED TO THE BOP INMATE PERFORMANCE PAY POLICY STATEMENT. BECAUSE HE IS A CIVIL DETAINEE, HE IS ENTITLED TO MINIMUM WAGE.

9) Mr. Hall has the right to be free from harm:

A) BECAUSE MR. HALL IS A CIVIL DETAINEE, HE HAS A RIGHT TO BE FREE FROM HARM. BECAUSE HE IS A CIVIL DETAINEE WHO IS LABELLED "SEXUALLY DANGEROUS", HE IS CLEARLY IN HARMS WAY BY BEING FORCED TO BE IN THE PHYSICAL PRESENCE OF MEDIUM SECURITY FEDERAL PRISONERS, SOME OF WHICH ARE SERVING VERY LONG SENTENCES AND SOME ARE SERVING LIFE. AS THE COURT IS LIKELY AWARE IN A PRISON SETTING, A SEX OFFENDER IS THE MOST DESPISED TYPE OF INMATE. MANY ARE THE VICTIMS OF ASSAULTS AND RAPES AT THE HANDS OF OTHER PRISONERS IN OUR NATION PRISONS. BY FORCING MR. HALL TO BE IN THE PHYSICAL PRESENCE OF PRISONERS, HIS RIGHT FROM BEING FREE FROM HARM IS BEING VIOLATED. ADDITIONALLY, AS A CIVIL DETAINEE, MR. HALL HAS THE RIGHT TO BE KEPT AWAY FROM VIOLENT FELONS SERVING A CRIMINAL SENTENCE, JUST AS THE GENERAL PUBLIC DOES. THE TENSION AT FCI BUTNER BETWEEN THE PRISONERS AND THE CIVIL DETAINES IS HIGH. THE PRISONERS DON'T WANT THE CIVIL DETAINES HERE AND THE DETAINES DO NOT WANT TO BE HERE. IT IS SIMPLY A MATTER OF TIME BEFORE PHYSICAL VIOLENCE BREAKS OUT BETWEEN THE TWO GROUPS, LIKELY IN THE FORM OF A PRISONER SERVING A LONG OR LIFE SENTENCE ASSAULTS A DETAINEE.

B) AS HAS BEEN STATED, MR. HALL IS AROUND AND IN THE PHYSICAL PRESENCE OF FEDERAL PRISONERS SERVING CRIMINAL SENTENCES ON A DAILY BASIS. HE HAS BEEN THREATENED AND TAUNTED ON SEVERAL OCCASIONS BY THESE FEDERAL PRISONERS. MR. HALL IS IN FEAR OF HIS SAFETY AS IT IS ONLY A MATTER OF ~~TIME~~ UNTIL A FEDERAL PRISONER ASSAULTS A CIVIL DETAINEE. TRACY JOHNS AND DEBORAH GONZALES REFUSE TO DO ANYTHING ABOUT THIS.

Conclusion

Mr. Hall is ready and willing to cite additional examples of his conditions of confinement to show that he is being treated exactly the same if not worse than federal prisoners. Also, the court should know that several BOP correctional staff have offered to testify to support these claims in this petition.

The legislative intent of this law (4248) makes it clear that it was intended to be "substantially similar to the Kansas v. Hendricks and Kansas v. Crane". In Hendricks, the detainee was housed in a housing unit inside a prison, but was in the custody of the Department of Health and Human Services. His conditions of confinement were the same as "a patient in a mental hospital". He was also completely separated from prisoners and the Department of Corrections had No Authority over him.

Signed this ____ day of _____, 200__.

Clyde M. Hall Jr 09667-052
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

Date

Clyde M. Hall Jr 09667-052
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)